

# **FISCAL NOTE**

## **SB 2318 - HB 2334**

March 6, 2005

**SUMMARY OF BILL:** Creates the Meth-Free Tennessee Act of 2005 which includes the following:

- Products containing ephedrine, pseudoephedrine, or phenylpropanolamine may be dispensed only by a licensed pharmacy. Violations will be a Class A misdemeanor punished by fine only. Department of Health and the Tennessee Bureau of Investigation will maintain a public list of exempted products.
- Departments of Health and Education will increase efforts to educate the public regarding methamphetamine.
- Requires medical professionals to notify law enforcement officials if they treat persons with injury resulting from exposure to methamphetamine manufacturing.
- Prohibits any person from inhabiting quarantined property, to offer for habitation, or remove any signs or notices of quarantine. Violations will be a Class B misdemeanor.
- Requires law enforcement agencies to provide information regarding quarantined property to the Commissioner of the Department of Environment and Conservation within seven days of issuance. The Department will maintain a registry on its website of those properties. Properties shall be removed from the registry when the quarantine is lifted.
- Creates the offense of knowingly initiating a process intended to result in the manufacture of any amount of methamphetamine. It will not be a defense that reaction is not complete, that no methamphetamine was actually created or was created by an individual for the individual's own use. Violations will be a Class B felony.
- Creates an offense for a person to promote methamphetamine manufacture who: sells, purchases, acquires, delivers, or possesses ingredients or apparatus for the manufacture of methamphetamine or permits the use of a structure or real property for manufacturing methamphetamine. Violations will be a Class D felony.
- Creates within the Tennessee Bureau of Investigation a registry, available for public inquiry, of persons convicted after the effective date or currently incarcerated for methamphetamine offenses. Court clerks and sheriffs will forward a copy of judgment to the TBI.
- Creates a Class A misdemeanor offense for falsifying the results of a drug test.

## **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$1,917,900/Incarceration\***

**\$100,000 Recurring**

**\$50,000 One-Time**

**(Reflected in Governor's 2005-06 Recommended Budget)**

**Increase Local Govt. Expenditures\* – Less Than \$100,000**

**Increase Local Govt. Revenues – Not Significant**

### **Assumptions:**

- 148 offenders will receive elevated sentences as a result of broadening the definition of manufacturing and promoting the manufacture of methamphetamine.
- State government will increase expenditures by \$100,000 recurring and \$50,000 one-time for the Department of Environment and Conservation and the Tennessee Bureau of Investigation to develop and maintain methamphetamine registries.
- Local government expenditures will increase by less than \$100,000 from reporting requirements placed on law enforcement officials and court clerks.
- Local government expenditures and revenues will increase as results of the creation of new Class A and B misdemeanors. These increases are not estimated to be significant.
- Governor's Budget recommended for F005-2006 includes \$6,940,000 for the multi-agency initiative to attack methamphetamine abuse.

*\*Section 9-6-119, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law.*

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director